

CHAPTER OVERVIEW

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4.1 Investigation Response

Staff shall immediately contact appropriate law enforcement agency in all situations in which the report is screened as an investigation, in order to begin co-investigation. Provide such agency with a detailed description of the report received.

Related Subject: This chapter, Law Enforcement.

When the Children's Service Worker (CSW) receives a report he/she should develop an investigative plan outlining the actions to be taken. This plan will most likely be a formalized thought process rather than a written document. When this has been done, the CSW shall conduct a thorough investigation to determine if abuse/neglect is occurring or has occurred.

In addition to the reported incident, the Children's Service Worker assess the existence of other types of abuse/neglect, including physical violence, of any other household or family member

When the only basis for action is an alleged violation of the mandatory school attendance statute involving a child who alleges to be home schooled, the juvenile officer must contact the child's parents to verify that the child is being home schooled. Reported violations of the mandatory school attendance statute involving a child who is home schooled must be made to the prosecuting attorney in the county in which the child resides.

Related Subject: Attachment I, of this Chapter, Indicators of Physical Violence in the Home.
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Staff should make a careful assessment to determine whether the child(ren) is unsafe and/or at serious risk of harm due to physical violence in the home. If domestic violence is occurring, provide information regarding available alternatives, i.e., community shelters or other available safe shelter, legal options, etc.

NOTE: Investigation Response Procedures pertain to an alleged perpetrator who is an immediate or extended family member, friend, baby-sitter not caring for more than four unrelated children, exempt day care center, exempt residential care facility or any others not listed as a specialized group in Chapter 4.3 of this section.

NOTE: In assessing the family situation, determine whether Crisis Intervention Funds may remedy a current situation that is causing risk of harm to a child. If the family has limited resources, obtaining Crisis Intervention Funds may immediately reduce risk to a child and may prevent a case from being opened.

Related Subject: Section 3, Chapter 5, Attachment C, Crisis Intervention Funds.

The CSW shall initiate the investigation in all CA/N reports and non CA/N referrals by contacting the reporter to assist in determining safety of the child(ren).

Related Subject: Attachment E, of this chapter, Decision Making – Investigative Conclusions, and Section 2, Chapter 5, 5.4., Assessment of Safety.

If unable to contact reporter or reporter is unknown, initiate investigation by seeing the subject child.

Courtesy Report

During the course of an Investigation or a Family Assessment, it may be necessary to request courtesy interviews from other County/Circuit Offices or from another state, CPS agency in order to complete a CA/N report. Courtesy requests may be made under the following circumstances:

- To make the required face-to-face contact with victims or other children in the household within mandated timeframes
- To make face-to-face contact with an alleged perpetrator
- To obtain face-to-face interviews from other significant individuals for the purpose of making a determination
- To confirm the safety and well-being of children of families who have reportedly moved out of the state.

Courtesy request for interviews may be made by phone, though other state's CPS agencies may require a written request on state letterhead. Requested information should be clearly stated, including specific deadlines to ensure that all mandates are made as required. Courtesy interviews become part of the report and should be attached to the appropriate section of the report.

- Courtesy Requests for interviews may also be received from other County/Circuit offices or from another state CPS agency and should be handled as required by the requesting county/ circuit office or state.
- a) Contact eye witness(es) if the reporter did not see the described incident and provides name of eye witness(es).

- b) Contact treatment worker, if possible, prior to contact with family if report involves an active case.
- c) Advise a mandated reporter of right to information concerning disposition of report, if requested. The information will be provided verbally or in writing within 5 days after the investigation is completed. This contact with reporter will be initiated by CSW and will include:
 - The date the investigation was completed;
 - The conclusion reached;
 - Whether a referral for Family-Centered Services (FCS) or other community services was made; and
 - The fact that a referral is being made to the juvenile court, if applicable.

If the only basis for a report was educational neglect, which is found "**preponderance of evidence**," send a copy of the completed investigative report to the school district in which the child resides. When other allegations of abuse or neglect are contained in the investigation, send to the school a summary which contains information on the educational neglect only, or a copy of the investigation with all information blacked out which does not relate to the educational neglect. This will assist the school in making an appropriate referral to the prosecuting attorney.

- d) Determine necessity of immediate investigation based on CA/NHU emergency determination. County office can determine a report as an emergency even though not designated as such by CA/NHU.

Related Subject: Attachment D, of this chapter, Reporter Contact.

NOTE: Although not a CA/N report, all requests from a physician/health care provider for a "Newborn Crisis Assessment" are treated as priority.

Related Subject: Chapter 5.4, of this section, Newborn Crisis Assessment.

Related Subject: Attachment J, of this chapter School Related Issues.

- e) Determine if involvement of interdisciplinary team is appropriate and secure assistance (i.e., law enforcement, juvenile court, city/county health department personnel, etc.).
- f) Inform Regional Child Care Supervisor if report involves persons caring for more than four unrelated children in order to conduct a joint investigation.

- g) Notify Department of Health and Senior Services/Bureau of Special Health Care Needs (DHSS/BSHCN) Area Office if it is determined they have not been notified that a newborn infant may have been exposed to a controlled substance or alcohol.

The CSW shall contact family and subject child personally. A home visit must be made as a part of the investigation, except in situations where it is suspected a methamphetamine laboratory exists.

Related Subject: Chapter 4.2, of this section, Law Enforcement.

NOTE: CSW must show photo ID card when interviewing clients he/she has never met.

- a) See the subject child immediately (within three hours) in emergency situations.
- b) See the subject child within 24 hours in non-emergency situations.
- c) See the subject child within 72 hours when the only allegation is educational neglect.
- d) See all other children in the household within 72 hours of the report.
- e) Meet with Chief Investigator within 72 hours of report re: contact with children, safety assessment, and investigation plan.
- f) Make home visit.
 - Contact collaterals to locate family if family is not home. Maintain confidentiality of family.

NOTE: The Children's Service Worker shall exercise professional judgment in the selection of information sources. To protect the family's right to privacy and the confidentiality of the report, the Children's Service Worker should not randomly interview the family's neighbors, friends, or other non-professional, non-related persons. When it is necessary to disclose the nature of the investigation, disclosure should only include information that is absolutely necessary to complete the investigation.

- Continue efforts to locate family and document efforts.

When the CSW locates the family, he/she shall advise the parent/child of the report.

- a) Question child, non-perpetrator parent/care-taker, alone initially, then together.

NOTE: Whenever possible, question non-perpetrator parent/caretaker before the alleged perpetrator.

Related Subject: Section 7, Chapter 18 Investigative Interviewing

- b) Observe condition of child in relation to allegations.
c) Conduct superficial external examination of child if report indicates injuries from CA/N.

Related Subject: Chapter 4, of this section, Attachment A, Investigations Involving Reported Injuries.

NOTE: In completing a physical examination, the age of child and the sex of worker should be taken into consideration. Caution and good judgment should be exercised.

NOTE: If the decision is made to arrange for any purchased service during the investigation (i.e., SAFE exam paid for by Children's Division (CD) and not from Medicaid, Evaluation and Diagnosis, psychological or medical exam through SEAS), check the automated system (protective services and alternative care), to determine if Emergency Assistance Services (EAS) have been provided in the previous year. If the Authorization Start Date is more than one year old, complete an application for Emergency Assistance Services (Form CS-EAS-1) with the family.

File the completed CS-EAS-1 in the case file in order that the Family-Centered Services worker can enter the Service Authorization Start Date on the SS-63 if a case is opened for services.

Related Subject: Section 3, Chapter 5, Attachment D, Missing Person Report Procedure.

- d) Arrange for photographs if necessary.

Related Subject: Chapter 4, of this section, Attachment B Videotaping of CA/N Victims.

- e) Diagram child's injuries if necessary.

Related Subject: Chapter 4, of this section, Attachment B, Videotaping of CA/N Victims.

- f) Ask parent/child their version of how incident occurred.

NOTE: Props used to interview children, i.e., anatomically correct dolls, puppets, drawing material, etc., may enhance the interview, but they should not minimize or replace the direct interview or the judgment of the CSW.

- g) Ascertain all facts relating to incident: how it happened, when, where, who was involved, witness(es) etc. Be alert to discrepancies and/or changes in information.
- h) Assess level of family functioning.
- Observe behavior during interviews: including family interaction, non-verbal communication, and physical and behavioral indicators of abuse or neglect.
 - Assess for domestic violence and risk it poses to child and adult victim.
 - Identify active family stressors, i.e., interaction, economic, and social and determine if they are situational or of a longer duration.
 - Observe and/or take photographs of the conditions of the physical environment and any threat to the safety and well being of the child.

Related Subject: Chapter 4, of this section, Attachment G, Collection of Evidence.

- Identify the services needed to resolve family problems.
- Conduct a Safety Assessment

Related Subject: Section 2, Chapter 5, 5.4 Assessment of Safety

- Assess level of risk to the child.

Related Subject: Section 2, Chapter 5, 5.5 Assessment of Risk.

NOTE: The CSW should be continually assessing the safety and risk to the child(ren) throughout the investigative process

- If applicable, request address of non-custodial parent(s). Inform custodial parent(s) that non-custodial parents will receive a CS-21.

Related Subject: CS-21 Form and Instructions in the Forms Manual.

CSW shall determine safety to other children in the family. Repeat steps (a) through (h) if necessary.

Interview collaterals as needed to verify findings or to gain information not accessible from the family.

If alleged perpetrator is an employee of a child caring/child placing agency, the investigator may contact the child caring agency in which the alleged perpetrator is employed to obtain information about other potential victims, and to notify the facility regarding the allegations. The facility may take appropriate action as deemed necessary to ensure the safety of the children placed or cared for in the facility. This applies to investigations involving the employee's own children. County staff should use judgment to determine when this is necessary, based on the nature of the allegations. Consideration should be given to placing the alleged perpetrator's employment at risk if the allegations of the report are not serious, there is doubt that the allegations are valid, or there is no concern that the allegations could affect children the employee works with in their official capacity in the facility.

CSW shall interview alleged perpetrator. Request other county's assistance as necessary.

NOTE: The alleged perpetrator should be interviewed last. This allows the investigator to confront him/her with the facts and evidence collected if he/she denies responsibility for the incident and abuse/neglect appears evident.
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At the time of the initial contact with the alleged perpetrator, the CSW shall provide the alleged perpetrator with the Description of the Investigation Process (CS-24). Copies of CS-24 may be given to other subjects of the CA/N report. If it is not possible to personally give the CS-24, it may be mailed. Document in the case record that the CS-24 was given.

CSW shall notify the juvenile office if the subjects of a report fail to cooperate during the investigation.

When a circuit court or client contacts the county office regarding the issuance of an ex parte order of protection:

- a) Assess the need for direct and/or purchased services;

- b) Determine if Purchased Services are available;
- c) Immediately, verbally inform the court that the Division commits to providing appropriate services, indicating limitations;
- d) Provide the court with a written statement of commitment within five (5) working days from the commitment.

The family should be offered preventive services through CD or community resources if the investigative conclusion is unsubstantiated-preventive services indicated or provided Family-Centered Services to prevent out-of-home placement and document reasonable efforts on the CPS-1.

Related Subject: Chapter 4, of this section, Attachment E, Decision Making, Investigative Conclusions.
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The CSW shall determine if protective custody is necessary.

Related Subject: Chapter 4.3.9, of this section, Protective Custody, and Section 4, Chapter 2.2.1, Emergency Placements.
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- a) Document that a preliminary screening took place for Intensive In-Home Services and that a referral for IIS is made, if needed.
- b) Proceed to offer the family preventive services through CD or community resources if protective custody is not necessary.
- c) The Juvenile Officer should be notified immediately if the parent(s) have not made satisfactory arrangements for the safety of the child(ren) and his/her physical environment. A recommendation should be made to the Juvenile Officer that a determination be made that protective custody of the child(ren) is warranted. If the Juvenile Court issues a protective custody order, the child(ren) should be removed from the home and placed in the least restrictive, most family-like placement available.

Related Subject: Section 4, Chapter 4, Attachment B, Guidelines to Placement Options, Criteria and Selection.

The investigation shall be completed jointly with all co-investigators to gather/obtain relevant data and evidence. Arrange for post-investigation conference to review findings. A conference may be conducted via the telephone if not all parties can meet in person.

Determine investigative conclusion of case as follows:

- Court Adjudicated;

- Preponderance of Evidence;
- Unsubstantiated;
- Unsubstantiated-preventive services indicated;
- Unable to locate;
- Inappropriate report;
- Located out of state;
- Home Schooling.

NOTE: Reports of alleged educational neglect of a five or six year old child, enrolled in a public school, shall not be found **Preponderance of Evidence** for educational neglect if the parent provides documentation that they have made a written request to the school to drop their child from the rolls.

NOTE: Investigations of medical neglect for reasons of religious exemption shall not be found **Preponderance of Evidence**.

If there are other allegations in the same report, those allegations will also be thoroughly investigated. The finding reached may be "**Preponderance of Evidence**" for other allegations. If a child is at risk and should receive medical treatment, a juvenile court referral should be made. The court may exercise its authority to ensure that medical services are provided when the child's health requires it.

NOTE: The documentation in both investigations and assessments should clearly show how information obtained during past involvement (including prior CA/N reports) with the family was used to assist in planning with the family and to draw a conclusion.

Complete the Risk Assessment portion of the CPS-1 within 30 days of the CA/N report date.

- a) Carefully review the factors related to the family.
- b) Determine the overall level of risk and summarize supporting observations.

Complete CPS-1, CPS-1A and CA/N-1 and submit to immediate supervisor for review and signature. CA/N-1 is to be entered into the data system immediately after status determination. File the CPS-1 and CPS-1A in the CA/N section of the case record along with the Final CA/N-1 after reviewing for accuracy.

NOTE: Specifically document on CPS-1, behavioral and physical CA/N indicators and evidence that support and/or are contrary to the CA/N allegations reported. Use complete names (rather than 1-6 codes and A-F codes) for the participants on the CPS-1 in order to assure clarity.

Refer to Circuit or Prosecuting Attorney and Juvenile Court when any or all of the following conditions exist:

- a) The Juvenile Court does not take action and prosecution appears to be the only way to ensure child protection;
- b) There is evidence that a child has been involved in pornography or prostitution;
- c) Death of a child has occurred due to abuse/neglect;
- d) Removal of child is not done by Juvenile Court after our recommendation, and we have reason to believe the child is in immediate danger;
- e) Juvenile Office employee is the alleged perpetrator;
- f) Alleged perpetrator(s) of child abuse is involved in more than one incident which causes serious injury;
- g) The law enforcement official involved in the investigation feels that a criminal act has occurred and a referral to the prosecuting attorney is appropriate.

NOTE: It is preferable for the law enforcement agency to make the referral. However, if they will not, CD can proceed with a referral through **Circuit Manager** or Designee.

Report other injuries or disabilities to law enforcement authorities or circuit or prosecuting attorney at the Children's Service Worker's option with appropriate supervisory consultation.

Send CS-21 to parents, non-custodial parents (when address is known) alleged perpetrators, and Guardians ad Litem (including Court Appointed Special Advocate) within fifteen (15) calendar days of status determination. The CS-21 will include the determination of the investigation as well as the basis for the determination. The CS-21 is sent to the alleged perpetrator's parents when he/she is a non-emancipated minor.

County staff shall inform the Residential Program Unit when there is a "**Preponderance of Evidence**" finding which involves an employee and a child outside the facility in which the individual is employed, by sending a copy of the CS-21 to that Unit. The name of the facility should be noted (handwritten on the CS-21 or on cover memo). The Residential

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Program Unit will use this information to determine if there are safety issues for children in the facility.

Notify alleged perpetrator, parents, non-custodial parents, in writing, when status determination will be delayed beyond ninety (90) days from receipt of CA/N report.

Related Subject: Chapter 4, of this section, Attachment H, Guidelines For Letter to Suspected Perpetrator Regarding Delayed Notification of CA/N Status Determination.
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Compile record of investigation to include CA/N-I, CPS-1, CPS-1A, and CS-21 and, documentation that CS-24, etc. were provided to appropriate persons.

- a) Refer to appropriate supervisor for assignment if investigative conclusion is "Preponderance of Evidence."
- b) Refer to appropriate supervisor for treatment needs assessment if preventive services are indicated.

When appropriate during CA/N investigation, determine if reporter is harassing the alleged perpetrator(s) of the report, using the following steps:

- a) Determine if harassment definition is met.

Related Subject: Section 7, Glossary/Reference.

- b) Determine if harassment indicators are present.

Related Subject: Chapter 4, of this section, Attachment C, Harassment Indicators.

- c) Review and determine if harassment has occurred.

NOTE: Effort will be made to obtain the name, address and phone number of the reporter. If harassment is suspected, the reporter will be advised that an intentional false report of CA/N is a class A misdemeanor. If a person has been previously convicted of making a false CA/N report, it is a class D felony. (210.165 RSMo).
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Prepare and submit a summary of the investigation and findings to the prosecuting or circuit attorney:

- a) Provide any information which will identify the reporter;

- b) Contact CANHU and obtain a copy of the tape of the report, if necessary. This tape shall only be listened to by appropriate CD staff and is **not to be listened to by any subject of the investigation**. The prosecuting attorney may obtain a copy of the tape if he/she requests same; and
- c) Summarize all evidence that leads CD to believe the call was made to harass the alleged perpetrator.

Submit a copy of the referral to the prosecuting attorney through normal supervisory channels to the Deputy Director of Children's Services. Activities related to this matter shall be recorded in the case record. If no further action is required case shall be maintained as noted in Section 5, Case Record Maintenance and Access.

Expunge case records of suspected harassment where referral to Prosecuting Attorney was made and all CA/N allegations were unsubstantiated.

Related Subject: Section 5, Chapter 4, Record Retention and Expungement.
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4.2 Involving Law Enforcement

If a report is classified as an Investigation, CD will immediately notify the appropriate local law enforcement agency to assist in the investigation. Staff should have agreements/protocols in place with local law enforcement agencies, which outline procedures to be followed in conducting co-investigations.

Current law requires the Division to co-investigate reports which, if true, would constitute a suspected violation of specific laws (RSMo 210.145.3(4) these laws are listed on the reverse side of the CPS Screening Classification Form – CS 27). In order to gain the best working relationship with law enforcement, staff shall develop local protocols with law enforcement and determine how they can best work together. During the initial contact with law enforcement, it may be decided that Division staff will begin the investigation and make a follow-up report to law enforcement, if needed. One reason Division staff and law enforcement may jointly decide that CD should proceed alone is that despite the presenting allegations, alternative information known to one party or the other indicates the report may be harassment.

If allegations of domestic violence are present in the CA/N-1 received from CA/NHU, contact local law enforcement to verify if they have responded to reports of domestic violence at the family's home. If law enforcement has responded to calls at the family's residence and feel this could pose danger to staff, request their assistance during the home visit.

The appropriate law enforcement agency shall either assist the Division in the investigation or provide, within 24 hours, an explanation in writing, detailing the reasons why they are unable to assist (RSMo 210.145.3(4)). Direct observation of the child(ren) shall not be delayed beyond 24 hours when waiting for law enforcement to respond.

Staff will document the request for assistance on the CPS-1, Child Abuse Investigation/Family Assessment Summary and file the written response from law enforcement in the case record, should law enforcement not assist.

NOTE: Do not delay conclusion of the CA/N Report because the explanation has not been received from law enforcement.

Rationale for Joint Investigations

In those reports where both law enforcement and CD are mandated to do an investigation, teamwork offers several potential benefits, both to the child victim and to the professionals involved in the case. Coordinated responses can reduce the number of interviews a child undergoes. It can minimize the number of people involved in a case and avoid duplication of efforts. Teamwork can enhance the quality of evidence needed for trial. The transition from investigation to intervention can also be smoother (Findley, 1991; National Institute of Justice, 1991; Pence & Wilson, 1992). Other benefits of multidisciplinary investigation teams include:

- Direct communication and exchange of information;
- Skill improvement of team members because of sharing different perspectives (Skaff, 1988);
- Enhance efficiency through joint investigation; and
- A joint investigation can also expedite treatment.

If a law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation. If a law enforcement official is unavailable or unable to conduct co-investigation, proceed with the investigation as required. A law enforcement official may join the investigation at any time during the process.

Methamphetamine Labs

For reports alleging the operation of a methamphetamine laboratory, proceed with locally identified law enforcement officials designated to conduct methamphetamine investigations. Staff should never enter a household that they have reason to believe may contain a methamphetamine laboratory. Trained law enforcement officials, DEA agents, or specified drug task force members are responsible for completing the criminal investigation. Completion of the CA/N investigation will occur simultaneously with the criminal investigation when possible. Local protocol should be established for responsibilities of each agency during the investigation of a home containing a methamphetamine laboratory.

Role and Responsibilities of CD Investigator

The role, responsibility and authority of the child abuse/neglect investigator continues to include the responsibility to ensure safety of children and that services are provided to a family when service needs are immediate during the investigation. As part of the investigation process, the investigator will question the child alone initially, then together with the non-perpetrator parent/caretaker.

The CD investigation and family assessment is non-punitive in approach and is directed towards assisting families in providing adequate care and nurturance for their children. The focus of the Division is identification, assessment and service provision in an effort to protect children, preserve families whenever possible, and prevent further maltreatment.

CD investigators:

- Are mandated to report all reports alleging criminal activity as defined in RSMo 210.109.3(4) to law enforcement;
- Investigate CA/N reports and make determination of **preponderance of evidence**, unsubstantiated, and unsubstantiated-PSI, etc.;
- Offer services to families with identified needs, regardless of finding;
- Make referrals to other community agencies and services, as needed; and
- Obtain assessments and medical evaluations as part of the investigation.

The investigator's role may also include:

- Assisting with prevention and advocacy efforts by community education;
- Development and support of prevention programs; and
- Service on prevention committees.

Related Subject: Section 1, Chapter 1.2, Role and Responsibilities of Children's Service Worker.
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NOTE: Information above which describes the rationale for co-investigations with law enforcement, and the roles of law enforcement and CD Children's Service Workers is adapted, with permission, from "Joint Investigation, A Multidisciplinary Approach," by Joann Grayson, PH.D., in the Virginia Child Protection Newsletter, Winter, 1994, Volume 44.
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Assessment of Child Safety

Safety of the child(ren) in the home shall be an on-going concern during investigations. Staff must complete the SDM safety assessment on the second page of the CPS-1 and the CPS-1A, Safety Assessment (Part B) during or immediately following the initial visit with a family in response to a report of child abuse/neglect.

Related Subject: Section 2, Chapter 5.4. Assessment of Safety

Chief Investigator

The person(s) in each county office who is responsible for supervising staff responding to hotline reports shall be considered a Chief Investigator. The Chief Investigator will be responsible for performing the following duties:

- Verify the report was appropriately screened as an investigation or family assessment;
- Verify, within 72 hours of the report, that all children in the household have been seen;
- Verify reporter contact was initiated;
- Verify that any history the family has had with the agency has been considered;
- Support the workers as they establish and maintain relations with multidisciplinary team members; and
- Ensure information regarding the status of the investigation is provided to the public school liaison. Should the subject child attend a nonpublic school, the principal of that school will be notified of the report. Contact will be made with the liaison at the time the report is made and again, to advise of the status of the report upon completion.
- For all CA/N reports, the Chief Investigator must review and sign first two pages of the CPS-1 and the CPS-1A within 72 hours of the report.

Related Subject: Section 2, Chapter 5,5.4. Assessment of Safety

Collateral Contacts

To protect the family's rights to privacy and the confidentiality of the report, the worker should not randomly interview the family's neighbors, friends, or other non-professional, non-related persons. When it is necessary to disclose the nature of the investigation/family assessment, disclosure should only include information that is absolutely necessary to complete the investigation.

Staff shall make a minimum of one (1) collateral contact, for all investigations/family assessments. This contact shall be with someone other than the reporter and/or other household members. The purpose of this contact is to provide staff with information concerning, but not limited to the following:

- Child's safety, health and well being;
- Parenting/disciplining techniques;
- Parent/child interaction;
- Household condition;
- Additional household members;
- Changes in child's/parent's behavior;
- Current/potential supports for the family; and
- Validity of allegations.

Possible collateral contacts may include, but not limited to:

- School professionals/School liaison (teacher, counselor, Principal, school nurse)
- Therapist/Counselor;
- Parent's as Teachers Coordinator;
- Physician or other health care professional;
- Neighbor;
- Extended family member(s) not in the household.

Collateral contact shall correlate with the area of concern. Staff should thoughtfully choose collateral contacts from among those people who have enough contact with the family and/or child to give pertinent information. This collateral contact should be able to address a particular concern. For example, if the CA/N report alleges an injury or medical condition, a professional health care provider, close family member or neighbor might be accessed. If there are educational concerns reported, a teacher or school official might be contacted to gather pertinent information regarding the child. If, during the investigation or family assessment, the parent indicates he/she is receiving help from a friend or family member that person may provide additional information about family's level of functioning and potential for continued support for the family. More than one

collateral may be needed depending on the issues identified through the investigation or family assessment. The Genogram or Ecomap, in the CS-16, may reveal appropriate people to use as collateral contacts.

Community Involvement

This approach will promote the safety of children and the integrity and preservation of the family. Community agencies/individuals and the Division are to collaborate in providing support, assistance, and services to children and families. This collaboration is to result in the identification of comprehensive local services and to assure access to those services for children and families where there is a risk of abuse or neglect. This collaboration of interdisciplinary team members will involve local law enforcement in conducting investigations. Other interdisciplinary team members could include the juvenile court, city/county health department, etc.

Multidisciplinary service teams are composed of a variety of local resources that work together in providing treatment services. Law enforcement, juvenile officers and school personnel are examples of multidisciplinary team members. The public school district liaison (or principal of a private school), is considered a member of both the interdisciplinary investigation team and multidisciplinary service team. The Division will initiate contact with the school district liaison when a report is received by the Division in which the victim(s) is enrolled in that school district. Ongoing communication between CD staff and the school liaison will facilitate the sharing of information to enhance services provided to children and their families.

Each county should have a comprehensive and current list of available resources in order to initiate treatment services for families within 48 hours of service need identification. Each county should consider developing written agreements, describing procedures for accessing and delivering services, with agencies/individuals utilized on a regular basis.

Each county should have procedures in place to address:

- Process for making referrals for services; and
- Plan for following up with community resource to determine if services are appropriate and are meeting the family's needs.
- Plan to ensure information is shared with the appropriate school district liaison, including the status of the report upon completion, when the victim(s) of the report is enrolled in the school district.

4.3 Special Investigations

When a report is received from the CA/N Hotline Unit or from a worker in a county office, staff shall determine if report requires special investigation procedures. Staff are responsible for CA/N investigations of the following persons.

4.3.1 JUVENILE COURT EMPLOYEE

- A. When alleged perpetrator is juvenile court employee staff shall contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.

NOTE: When the alleged perpetrator is a Juvenile Court employee the Juvenile Officer will not be asked to assist in the investigation.

- If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.
- B. Notify administrator of the Juvenile Court facility and notify Circuit or Prosecuting Attorney of report and that an investigation is being conducted.
- C. Notify parents (of subject child) of report and that an investigation is being conducted.
- D. Notify CD office in county of jurisdiction, if child is in CD care and custody, at time of report, and of the results of investigation.
- E. Request CD office in county of jurisdiction, if different, to notify their juvenile office if the child is under Juvenile Court jurisdiction, of the report, and that an investigation is being conducted and of results of investigation.
- F. Complete investigation jointly with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.
- Interview victim;
 - Interview witness(es) named by victim;
 - In group situations, where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children;

NOTE: Using judgement, the CA/N investigator may request that the Juvenile Court facility administrator select the children to be interviewed.

However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

G. Report in writing, findings to Juvenile Office.

- The Juvenile Court facility is considered an alleged perpetrator if the child is a resident of the Juvenile Court facility at the time of the CA/N and the CA/N is caused by; actions and/or inactions, or written or unwritten policies of the Juvenile Court facility.

H. Notify parents (of subject child) and alleged perpetrator of results of investigation per the CS-21.

4.3.2 DYS/DMH EMPLOYEE

When alleged perpetrator is a DYS or DMH employee:

- A. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
 - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.
- B. Notify appropriate Administrator of DYS or DMH facility of report and that an investigation is being conducted.
- C. Notify CD office in county of jurisdiction, if child is in CD care and custody, at the time of the report and of the results of the investigation.
- D. Request CD office in county of jurisdiction notify the Juvenile Court which committed the subject child.
- E. Notify parents (of subject child) of report or that an investigation is being conducted.
- F. Complete investigation jointly with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.

- Interview victim.
- Interview witness(es) named by victim.
- In group situations, where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: Using judgement, the CA/N investigator may request that the DYS or DMH administrator select the children to be interviewed. However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

- G. Notify DYS or DMH Facility Administrator of results.
- H. Notify parents (of subject child) and alleged perpetrator of results of the investigation per the CS-21.

4.3.3 ADOPTIVE FAMILY

When the alleged perpetrator is a Division approved adoptive family and has a child in placement and the child is the subject of report:

- A. Assign alternate investigative worker (not the worker providing placement support services).
- B. Notify CD office in county of jurisdiction, if different, at the time of the report and of the results of the investigation.
- C. Request CD office in county of jurisdiction to notify the Juvenile Court having custody of subject child of report, that an investigation is being conducted, and of results of investigation.
- D. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
 - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.

- E. Report investigation results to Children's Service Supervisor or designee verbally and confirm results in writing within thirty (30) days.

4.3.4 LAW ENFORCEMENT

When the alleged perpetrator is an employee of the law enforcement agency that normally would be involved in the co-investigation:

- A. Notify CD office in county of jurisdiction, if child is in CD care and custody, at time of report and of results of investigation.
- B. Request CD office in county of jurisdiction to notify the Juvenile Court, if court has custody of subject child, of report, that an investigation is being conducted, and of results of investigation.
- C. Contact appropriate co-investigator, as outlined in local co-investigation policy, in order to begin investigation if report alleges sexual abuse or other severe abuse/neglect.

Related Subject: Chapter 4.2 of this Section, Involving Law Enforcement.
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- If co-investigator is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If co-investigator is not available or unable to conduct co-investigation, proceed with investigation as required. Co-investigator may join investigation at any time during process.
- D. Notify parent (of subject child), if different from alleged perpetrator, of report and that an investigation is being conducted.
- E. Complete investigation with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.
- F. Report, in writing, findings to Juvenile Office.
- The law enforcement agency is considered an alleged perpetrator when the child is in its custody and the CA/N is caused by: actions or inactions, or written or unwritten policies of the law enforcement agency.
- G. Notify parents (of subject child) and alleged perpetrator of results of investigation per CS-21.

4.3.5 CD EMPLOYEE/FAMILY MEMBER: JUVENILE OFFICE INVESTIGATES

When alleged perpetrator is a CD employee or victim is an immediate family or household member and Juvenile Office has accepted report for investigation:

- A. Contact Juvenile Office investigating the report.
- B. Notify CD office in county of jurisdiction, if child is in CD care and custody, at time of report and of results of investigation.
- C. Request CD office in county of jurisdiction to notify the Juvenile Court, if court has custody of subject child, report, that an investigation is being conducted and of results of investigation.
- D. Notify parents (of subject child) of report and that an investigation is being conducted.
- E. Maintain contact with Juvenile Office throughout investigation.
- F. Cooperate with and provide access to any information requested by Juvenile Office that pertains to investigation.
- G. Accept the report from the Juvenile Office as it is completed and review findings and disposition.
- H. Determine if further action by the Division is indicated by report and take action as appropriate.
- I. Notify parents (of subject child) and alleged perpetrator of the results of investigation per the CS-21.

4.3.6 CD EMPLOYEE/FAMILY MEMBER: JUVENILE OFFICE DOES NOT INVESTIGATE

When the alleged perpetrator is a CD employee or the victim is an immediate family or household member and the Juvenile Office did not accept the report for investigation:

- A. Arrange for investigation to be conducted by CSW from a county other than that of employee.
- B. Contact appropriate law enforcement agency in county where investigation will be conducted in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.

- If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
- If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required.

NOTE: Law enforcement official may join investigation at any time during the investigation process.

- C. Notify CD office in county of jurisdiction, if child is in CD care and custody, of the report and results of investigation.
- D. Request CD office in county of jurisdiction to notify the Juvenile Court, if court has custody of subject child, of the report, that an investigation is being conducted and of results of investigation.
- E. Notify parents (of subject child) of report and that an investigation is being conducted.
- F. Complete investigation with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.
- G. Report, in writing, findings to the Juvenile Office in county of investigation.
- H. Report, in writing, findings to the Area Director or Regional Administrator.
- I. Send CS-21 to alleged perpetrator

4.3.7 EDUCATIONAL NEGLECT/HOME SCHOOLING

If the report concerns a foster child the Children's Service Worker must verify that the resource family has filed a signed, written declaration of enrollment with the Recorder of Deeds stating their intent for the foster child to attend a home school. This verification must be documented in the foster child's file. The Recorder of Deeds may charge a service cost of not more than one dollar for each notice filed. The worker should also notify the chief school officer in the public school district where the child legally resides. The home school educator is to provide documentation of the child's progress on a quarterly basis. This documentation will ensure that a monitoring program is in place.

Related Subject: Section 1, Chapter 1, Roles and Responsibilities of Children's Service Workers, Supervisor, Agency Administrator, and CD.

When report is one of alleged educational neglect/home schooling because the parent(s) or other responsible caretaker(s) are educating their children at home:

- A. Initiate investigation according to Chapter 4.1
- B. Upon being advised that the parent(s) or other responsible caretaker(s) is providing education in the home, the investigation shall cease.
- C. Refer case to superintendent or designee of school district of child's residence. Inform parent(s) of this action and forward written report to the school within (3) working days of being advised by parent(s).
- D. Refer the case to the juvenile office.

Related Subject: Chapter 4, of this section, Attachment K, Guidelines For Letter to School Districts on Reports Concluded as Home Schooling.
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- CA/N-1 Conclusion Code will be coded as "I" for Home Schooling. The category of CA/N should be coded "7" for None - Home Schooling. Worker's specific findings and severity should be left blank.
 - If family refuses to allow CSW to view subject child, and the only allegation is home schooling, the only referral made is to the local school district.
 - If other CA/N allegations are present, CSW proceeds as family assessment or investigation.
- D. If worker determines that "true" educational neglect is occurring (i.e., no education - public, private, home, etc. is taking place), then the investigation shall proceed in the usual manner as described in Chapter 4.1.
- E. If report contains other allegations of abuse/neglect in addition to the allegation of educational neglect/home schooling or if other incident(s) of abuse/neglect are observed during the course of the investigation:
- Follow procedures as outlined above in regard to allegation of educational neglect;
 - Clarify with parents that further investigation is needed relating to other allegations;

- Complete investigation of other allegations;

NOTE: Reports involving educational neglect/home schooling and any other type of abuse or neglect will be treated as two separate reports with separate CA/N-1's being completed. Contact CA/NHU to set up a second report.

- In the event that the initial report involves only educational neglect, but during the course of the investigation the CSW observes other abuse or neglect, the CSW will report the other allegations to CA/NHU as a separate initial report and proceed with an investigation of those allegations.

F. If a subsequent report of educational neglect is received regarding home schooling, and procedures have been followed, take action as follows:

- Contact the school district to provide subsequent information/report;
- Complete the CA/N-1 reporting the "Home Schooling" code and noting the referral.

NOTE: A new investigation status date will be entered on the CA/N-1 for subsequent reports.

G. Notify the Juvenile Court of results of the CA/N investigation if status is "**Preponderance of Evidence**".

4.3.8 Out-of-Home Investigations Worker

The following facilities/agencies will be investigated by the Out-of-Home Investigation Unit (OHI). OHI will conduct the investigation, although the worker may request local county assistance in emergency situations or in those instances, when the child needs to be viewed immediately (but there is no emergency) and the OHI investigator cannot see the child within a reasonable time.

OHI will keep the local **circuit manager**/designee informed of the investigation and provide a copy of the CS-21 and other documents as necessary to the **circuit manager**/designee. When the investigation involves a foster home, a copy of the CA/N-4 will also be sent to the area office for the licensing county and, if different, the area office of the victim. Supporting documentation will be made available on request.

OHI shall ensure that when an employee of a child care facility, child placing agency, residential care facility, public and private elementary or secondary schools, juvenile court or other state agency is named as a perpetrator, the facility or school shall be listed as a parent. This will assist county staff in locating substantiated reports in the CA/N system for inquiries on facilities.

Out-of-home investigations differ from investigations conducted in a family setting. The worker must be knowledgeable of characteristics, indicators and policies and practices which may contribute to abuse/neglect in an out-of-home setting.

NOTE: When conducting an investigation of child abuse/neglect in an out-of-home care setting, it is imperative that the worker carefully review the physical setting and the appropriate written policies and practices of the facility.

OUT-OF-HOME CARE PROVIDER DEFINITION: Those individuals or agencies who exercise care, custody and control or supervise a child for all or part of a twenty-four hour day in a facility which provides for the care, treatment and/or education of children.

TYPES OF OUT-OF-HOME CARE PROVIDERS:

- Child Care Home/Center
- Nursery School
- Residential Treatment Center
- Group Home
- Foster Parents
- Division of Youth Services (DYS) Facility
- Juvenile Court Facility
- Department of Mental Health (DMH) Facility
- Public, Private and Parochial School
- Health Care Facility

NOTE: FOR THE PURPOSES OF THIS SECTION ALL LICENSED FACILITIES, CONTRACTUAL FACILITIES, EXEMPT, AND APPROVED HOMES ARE CONSIDERED OUT-OF-HOME.

CHARACTERISTICS of the ABUSIVE OUT-OF-HOME CARE PROVIDER: (NOTE: No caretaker will exhibit all of the characteristics listed below, and some of the

characteristics are contradictory. Someone with these characteristics may or may not be abusive. Characteristics should be used only as a general guide.)

- Is unable to work under pressure;
- Lacks information, supervision or training on disciplinary techniques or how to deal with a demanding population;
- Has unrealistic expectations of themselves or children in their care;
- Feels unreasonable pressure to succeed as a "good worker";
- Sees self as a "rescuer" to the child;
- Is unable to handle own anger;
- Is unable to cope with "situational factors" i.e., low pay, working conditions, policies, etc.;
- Does not follow agency policies and procedures governing the care and supervision of children.

CHILD ABUSE AND NEGLECT IN OUT-OF-HOME CARE FACILITIES:

PHYSICAL ABUSE: Occurs when person(s) responsible for the child's care in a facility inflicts or allows to be inflicted upon a child any bodily harm, other than by accidental means. (Refer to Physical Abuse Chapter for indicators of physical abuse.)

DISCIPLINARY ACTIONS: The worker should carefully evaluate disciplinary actions to determine if they represent abuse/neglect or a licensing violation. Common disciplinary actions which may contribute to abuse/neglect include, but are not limited to the following:

- A child is placed in isolation without being provided with ongoing monitoring;
- A child is placed in "time out" for excessive periods of time;
- A child is not permitted to see his family or receive mail as a means of punishment;
- A child is denied clothing because he has damaged clothing already provided;
- A child does not receive bedding because he has soiled the bed.

SEXUAL MALTREATMENT: Occurs when person(s) responsible for the child's care at a facility commits or allows to be committed an act of sexual maltreatment against a child.

Related Subject: Attachment S, of this Chapter, Sexual Maltreatment.

NEGLECT: Of child in out-of-home care includes any omissions of care to a child by the person(s) responsible for his/her care, or failure on the part of the person(s) responsible for his/her care to exercise prudent care, which jeopardizes the well-being of a child in such a way that the child sustains physical or emotional injury or damage.

Related Subject: Attachment T, of this Chapter, Neglect.

LACK OF SUPERVISION: Should be considered when a staff member is under the influence of drugs/alcohol, falls asleep, or is generally inattentive and the child harms himself, or is harmed by other children or adults. In addition, when a staff member leaves a child alone without adult supervision appropriate for his/her age, mental or physical condition, or other special needs.

EMOTIONAL MALTREATMENT: In an out-of-home care setting should be considered when there is evidence that a child is experiencing diminished psychological or intellectual functioning as the result of a harmful pattern of behavior by the person responsible for the child's care.

Related Subject: Attachment W, of this Chapter, Emotional Maltreatment.

FACTORS THAT LEAD TO CHILD ABUSE AND NEGLECT IN OUT-OF-HOME CARE SETTINGS

The facility itself can play a significant role in contributing to the abuse/neglect of children. Some key issues in deciding a facility's involvement and culpability in an incident of abuse/neglect include: whether the facility has made provisions for staff training; has the facility provided staff, and when appropriate, children and their families, with the facility's written policies, procedures and practices. The worker should review all written policies, procedures and practices which are applicable to the incident being investigated and which relate to the following:

- Description of the facility's treatment program and population served;
- Current service plan for the child, the involvement of each person responsible for service delivery, including child care staff, and the mechanisms for evaluating and updating service plans;
- Rights of children and their families;
- A grievance reporting system when children and their families feel their rights have been violated;
- Expectations of children and their families;

- Discipline of children;
- Problem management, physical restraint, time out and isolation;
- Staffing patterns/coverage requirements which include action plans for staff absences, emergencies, planned or respite breaks from children and integration and assignment of new employees, especially child care staff;
- Staff job descriptions, staff behavioral guidelines/expectations, staff evaluations, possible corrective or disciplinary actions for staff and staff grievance procedures;
- Staff orientation and their ongoing training plan;
- Supervision of all levels of staff, including chain of command for the institution according to the table of organization;
- Required written/oral reports and their time frames;
- Medical care, routine and emergency, for children;
- Safekeeping, transporting and dispensing medications;
- Use of psychotropic medications;
- Reporting and maintenance system for hazardous conditions on grounds, in buildings or with equipment, including vehicles.

COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE ABUSE

The following are some common day-to-day situations which, when handled inappropriately, may lead to abuse:

- Staff are not given training on how to control a child who is verbally or physically aggressive;
- Staff are not provided with training and instruction on how to break up fights between children;
- Staff are not provided with training on how to redirect a child who refuses to follow instructions;
- The facility fails to provide the type of program that is needed for the population they serve;

- A facility provides no means for staff, who have a heated interchange with a child, to remove themselves from the situation in order to regain self-control.

COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE SEXUAL MALTREATMENT

The following are some common day-to-day situations which, when handled inappropriately, may lead to sexual maltreatment of a child by staff:

- There are no policies or procedures provided by the facility regarding a staff member removing a child from his/her living unit;
- When a facility does not provide adequate supervision to children during sleeping hours.

COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE NEGLECT

The following are some common day-to-day situations in an institution which, when handled inappropriately, may lead to neglect:

- The facility's staffing patterns and coverage requires persons to work long shifts;
- The facility does not make provisions for supervision of child care staff on a unit and as a result, staff sleep, are under the influence of drugs/alcohol, or are engaged in other activities outside their work assignments while on the job;
- When facility lacks clear guidelines on the safekeeping of medication or the dispensing of medication and as a result, there is misuse of medication by children;
- When staff do not supervise children, ignore or fail to remedy a problem;
- When staff are not trained on how to handle a medical emergency.

WRITTEN POLICIES AND PRACTICES OF THE INSTITUTION Play a significant role in determining the investigative conclusion of a child abuse/neglect report and should be reviewed by the worker. The administration's failure to develop and/or follow written policy and procedures may result in a finding that the administration is responsible for the incident and should be named as the perpetrator. If appropriate written policy and procedure had been developed and followed by the administration, but the staff member failed to follow it, only the staff member may be named as the perpetrator.

PHYSICAL STRUCTURE The design and layout of the facility can increase the likelihood of abuse/neglect of a child by staff or other residents and the worker should try to determine the location where the alleged abuse/neglect occurred. By observing the physical structure of the facility, the worker should be able to develop an understanding of how the abuse/neglect may have occurred.

The sleeping quarters of the residents can be some distance from the staff's room making it difficult to hear a disturbance or a child crying out for help. Good practice requires staff to make tours of all resident rooms during the night.

Design and layout not only includes an awareness of physical location of rooms, but also includes accessibility to either staff or phones when an emergency exists. When observing the location where the incident was to have occurred, the worker should look at where telephones are located and should determine how far away was another staff person, who could have been able to assist other staff or children.

The worker should also look at what objects are in the room where the incident took place (i.e., dangerous or sharp objects, or furniture in the room that blocks staff or child residents view of what is going on in the room).

TYPES OF EVIDENCE:

- Statements made by administration;
- Child's statement;
- Perpetrator's statement;
- Statement of witnesses;
- Facility reports, written policies and procedures, logs, medical reports, personnel records, school records or other facility records;
- Worker's observation of the facility, physical setting, staff/resident interactions and resident/resident interactions.

INVESTIGATIVE RECORDING: Shall be completed in a summarized narrative style on the CA/N-4. It should be written in a clear, concise, easily understood manner and include, but not be limited to the following components:

- A chronological listing of who, when, where each subject and/or collateral was contacted and the content of the interviews;
- A brief description of all credible verbal and/or physical evidence provided to the worker during the investigation;
 - A statement justifying the investigator's investigative conclusion, i.e., reason to suspect, unsubstantiated-preventive services, indicated or unsubstantiated.

4.3.8.a Residential Facility/Child Placing Agency

When child abuse/neglect is alleged to have occurred in a licensed child caring/child placing the agency shall:

- A. Contact appropriate law enforcement agency in order to begin co-investigation if a report alleges sexual abuse, or other severe physical abuse/neglect.
 - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or unable to conduct co-investigation, document and proceed with the investigation as required. Law enforcement official may join the investigation at any time during the process.
- B. Contact Residential Program Unit in Central Office and notify of report. Request licensing representative to co-investigate.
 - If licensing worker is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If licensing worker is unable to assist in initial investigation, document and proceed with investigation as required. The licensing worker will notify CSW, as soon as possible, in order to join the investigation process.
- C. Notify appropriate licensing agent if facility is licensed by another state agency.
- D. Notify administrator of the child caring/child placing agency of the report and that an investigation is being conducted.
- E. Notify CD office in county of jurisdiction, if the child is in CD care and custody, at time of the report and of results of investigation.
- F. Request CD office in county of jurisdiction of the child to notify their Juvenile Court of report-if child is under Juvenile Court jurisdiction, that an investigation is being conducted and of results of the investigation.
- G. Notify parents (of subject child) of the report and that an investigation is being conducted.
- H. Notify Juvenile Officer in county of investigation, of impending investigation and of results of investigation.

- I. Complete investigation jointly with all co-investigators to gather relevant data.
- Interview victim.
 - Interview witness(es) named by victim.
 - In group situations, where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: Using judgment, the CA/N investigator may request that the child caring/children placing agency administrator select the children to be interviewed. However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

Related Subject: Chapter 4, of this section, Attachment B, Videotaping of CA/N Victim.

- J. Arrange for post-investigation conference to review the findings. Involve Residential Licensing worker in post-investigation conference even if not involved in actual investigation. Conference may be conducted via telephone if all parties can not meet in person. If CSW and Residential Licensing Worker disagree on basic facts after post-investigation conference, contact respective first line supervisors for input.
- K. Report results via the CS-21 to agency administrator, Child Care Licensing Representative, and Contract Management Unit (if under contract).
- Notify residential licensing, in writing, of findings including concerns or possible residential rule violations, which may not be child abuse/neglect.
 - Submit copy of the CA/N report to Residential Licensing if report was on a licensed and/or exempt child caring/placing agency.
 - The child caring/child placing agency is considered an alleged perpetrator when child care is given at the time of the CA/N and the CA/N is caused by: actions and/or inactions, or written and unwritten policies of the child caring/child placing agency.

- Submit copy of CS-21 to Residential Licensing when child caring/ child placing agency is the alleged perpetrator and/or when an employee on duty is the alleged perpetrator.
- L. Notify parents (of subject child) and alleged perpetrator of results of the investigation per the CS-21.
- M. Where there has been a co-investigation, the CSW will receive a copy of the residential licensing representative's written report.

4.3.8.b School Employee

When the alleged perpetrator is a public school teacher or other school employee, notify the school superintendent (or the president of the school board when a report concerns the superintendent). Based on the information supplied in the report and discussions with the OHI investigator, the superintendent (board president) and the OHI investigator should decide how to proceed.

Related Subject: Attachment L, in this chapter, Out-Of-Home Investigative Unit (OHI).

The CD investigation will continue when:

- The report does not allege spanking by a certified school personnel pursuant to a written discipline policy, or is not harassment, as determined by the school superintendent, and is referred to the OHI investigator; or
- Is an employee of a private school.

Use Delayed Contact code of "Z" in CA/N system when there is a delay in the report being referred back to CD.

- A. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
- If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or is unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.

- B. Notify CD office in county of jurisdiction if child is in CD care and custody at time of report and of results of investigation.
- C. Request CD office in county of jurisdiction to notify their Juvenile Office if child is in custody of Juvenile Court of report, that an investigation is being conducted and results of investigation.
- D. Notify parents (of subject child) of the report and that an investigation is being conducted.
- E. Complete investigation jointly with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.
 - Interview victim, the interview may not take place in a school building where the abuse allegedly occurred.
 - Interview witness(es) named by victim.
 - In group situations where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: Using judgment, the CA/N investigator may request that the school administrator select the children to be interviewed. However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

- F. Share results of investigation with school administrator. The superintendent will be considered a member of the multidisciplinary team and, as such, may be involved in the investigation.
 - The school is considered the alleged perpetrator if the child is attending school at the time of the CA/N and the CA/N is caused by: actions and/or inactions, or written or unwritten policies of the school.
- G. Notify parents (of subject child) and alleged perpetrator of results of investigation per the CS-21. Provide copy of CS-21 to superintendent.

4.3.8.c Division Foster Parent

When the alleged perpetrator is a Division licensed foster parent who is currently providing foster care to children in the care and custody of CD,

the Out-of-Home Investigation Unit investigator shall accept the report for investigation. OHI will investigate reports of abuse/neglect by foster parents of children who were Legal Status 1 at the time the abuse/neglect occurred, even if the alleged victim is not in the home of the alleged perpetrator at the time of the report.

Exceptions to OHI conducting investigations on foster parents will be situations involving alleged abuse/neglect of children that are not in the care and custody of CD (i.e. the foster parent's own child(ren), relative child(ren) of the foster parent, etc.) AND there are no Legal Status 1 children (care and custody with CD) being provided foster care by the foster family at the time of the report.

Situations involving alleged abuse or neglect by foster parents of their own children where no other Legal Status 1 children are in the household, will be handled by the local county office. The local county CD office will review the report and determine if it is possible for that county to complete the investigation/ family assessment or if there is a need to request the juvenile court or a neighboring county to complete.

The Child Abuse/Neglect Hotline Unit will notify the OHI Unit or the appropriate **circuit manager** of the foster parent report by an automatic alert. The CD staff person assigned to conduct the investigation/family assessment will maintain contact with the local county throughout the investigation and will notify the CD office in the county having wardship of the alleged victim(s), if different.

- A. Notify Child Care Licensing at time of report and of results of investigation if foster home has applied or is also licensed as a day care facility.
- B. Notify the Juvenile Court having custody of subject child of report, that an investigation is being conducted, and of results of investigation.
- C. Maintain contact with Juvenile Officer throughout investigation.
- D. Cooperate with and provide access to any information requested by Juvenile Office that pertains to investigation.
- E. Notify parents (of subject child) and the alleged perpetrator of the results of investigation per the CS-21.
- F. A copy of the entire investigation shall be provided to the local office.

- G. A copy of the CAN-4 will also be sent to the Area Office for the licensing county and, if different, the Area Office of the victim.

4.3.8.d Child Care Facility

When child abuse or neglect is alleged to have occurred in a child care setting that has applied for a license, is licensed or registered in which it is confirmed that more than four (4) unrelated children are in care:

NOTE: Child Care Licensing Representatives shall not participate in the investigation of exempt child care facilities.

- A. Contact local child care licensing representative or Regional Child Care Supervisor and notify of report. Request licensing representative to co-investigate. This includes notification when the report is on the Child Care Provider's own child(ren). Notify the licensing representative immediately if at any time during the investigation there is concern about the safety of the children in the family.
- If licensing representative is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If licensing representative is unable to assist in the initial investigation, document and proceed with the investigation as required. The representative will notify the CSW as soon as possible, in order to join the investigation process.
- B. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
- If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
 - If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.
- C. Notify CD office in the county of jurisdiction, if child is in CD care and custody, at the time of report and of results of investigation.

- D. Request CD office in county of jurisdiction to notify the Juvenile Court, if court has custody of subject child, of report, that an investigation is being conducted and of results of investigation.
- E. Notify parents (of subject child) of the report and that an investigation is being conducted. If parents indicate a desire to be present during child's interview, request parent to be present for pre-interview conference.

NOTE: If parent will be present for the initial interview with the subject child it is recommended the interview be held in the child's home or a neutral non-threatening environment. Do not unduly delay the investigation based simply on the wish of the parent to be present.

- F. Notify Child Care Provider/ Applicant of the report and that an investigation is being conducted.
- G. Complete investigation jointly with all co-investigators to gather relevant data.
 - Interview victim, the interview may not take place in a child care facility building where the abuse allegedly occurred.
 - Interview witness(es) named by victim.
 - In group situations where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: In regard to a child care center, using judgement, the CA/N investigator may request that the child care center administrator select the children to be interviewed. However, the CA/N investigator may select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

- H. Arrange for a post-investigation conference to review findings. Involve Child Care Licensing Representative in post-investigation conference even if not involved in actual investigation. Under special circumstances, hold conference via telephone. If CSW and Child Care Licensing Worker disagree on findings and basic facts, contact respective first line supervisors for input.
- I. Notify local child care licensing representative or Regional Child Care Supervisor in writing, via a copy of the investigation report, of results within thirty (30) days.

- A minimum report must include the following information:
 - a. Nature of original CA/N report including form CA/N-1 and CA/N-4;
 - b. Number of children being cared for by provider;
 - c. Names of children who are subjects of report;
 - d. A copy of the investigation including determination of the validity of report;
 - e. Possible child care rule violations or other concerns found which may not be child abuse/neglect.

NOTE: Violation of a Child Care Licensing rule does not necessarily constitute CA/N. Final determination must be based on the legal definition of abuse and neglect found in 210.110 RSMo.

- J. Receive a copy of the child care licensing representative's written report where there has been a joint investigation.
- K. Notify law enforcement official of results of the investigation if he/she has been involved.
- L. Notify parents (of subject child) and the alleged perpetrator of results of the investigation per the CS-21.
- M. Notify child care applicant and/or provider of investigation results in writing with a copy to the licensing representative.
 - The licensed child care home/center, child care license applicant or unlicensed child care setting is considered an alleged perpetrator when child care was being provided at the time of CA/N and the CA/N is caused by: actions and/or inactions, written or unwritten policies of the child care home/center.
 - Submit copy of CS-21 to Child Care Licensing when child care home/center is the alleged perpetrator and/or when an employee on duty is the alleged perpetrator.
- N. In the event that the CA/N finding is reversed or updated based on an administrative or judicial review, inform the licensing worker in writing.

- O. Complete CA/N-1, CA/N-4, and CS-21.
 - Send copy to case manager, when report was for child not in original county.
- P. If an investigation was conducted by the Juvenile Officer and is inadequate or does not contain sufficient information to reach the specified determination, discuss this with the juvenile officer and receive additional evidence to support the findings. If additional evidence is still inadequate, a decision contrary to the juvenile officer may be made and entered into the CA/N Information System.
- Q. Send the CS-21 when the alleged perpetrator is a CD employee/family member (if it is not sent by the Juvenile Officer).
- R. When the child is in facilities licensed or contracted with DYS, DMH, or the Juvenile Court and is not in the custody of DYS, DMH, or the Juvenile Court, send a summary of the report to the Director of DYS or DMH or the Juvenile Officer. The summary shall include the status, general findings, and the name of the alleged perpetrator.
- S. Complete record of special investigation including recording of the steps outlined in this procedure within ten (10) days.

4.3.8.e School or Day Care

When neither parent is the alleged abuser, and prior to interviewing the child, the OHI worker must notify one of the parents of a child who is the subject of the CA/N report. When attempting to locate one of the child's parents, the OHI worker shall attempt a minimum of three (3) contacts, using all available modes of contact. If the alleged abuser is "unknown" the OHI worker is to use his/her professional judgement in deciding whether to contact the parent/guardian prior to interviewing the child.

In emergency situations, ensuring the safety of the child shall take precedence. The OHI worker will need to use professional judgement to decide if an extensive search to contact the parents will put the child at risk. In these situations, the OHI worker should proceed with the interview and contact the parents at his/her earliest opportunity.

CD/OHI staff may meet with a child on school property or child care facility property other than in a school or child care facility building where the abuse allegedly occurred.

When a parent wishes to be present during the interview pursuant to current policy, the OHI worker shall make arrangements with the parents to interview the child in their presence, in a desired location, such as their

home. Local staff are expected to support OHI investigators by providing courtesy child victim interviews, pursuant to current policy, when mandated victim contact time frames are an issue.

4.3.9 Protective Custody

In some circumstances staff shall determine that referral for protective custody of a child is necessary.

NOTE: If the primary reason for removal is due to homelessness or sub-standard housing, and the child could remain at home safely, if adequate housing is located, the family should be considered for Child Welfare Housing Assistance (CWhA).

A preliminary screening for IIS, in keeping with Section 211.180 RSMo, is required in all cases when there are plans to recommend removal of the child(ren) or the child(ren) has already been removed. The screening should involve discussing concerns for the welfare of the child(ren) with the family and informing the family of the decision to recommend out-of-home placement. Advise family that Intensive In-Home Services (IIS), is a resource that may be available to them, which could help prevent placement of the children. The information, including risk to the child, will be discussed with the supervisor. If there is a willingness by at least one caregiver to receive IIS, and safety of the child with IIS can be reasonably assured, refer the family to the program immediately. If the family is accepted for IIS, it is not necessary to continue with placement activities. The Juvenile Office should be informed about referrals to IIS according to local procedures.

Related Subject: Attachment M, in this chapter, Intensive In-Home Services

As a result of the screening, a referral for IIS will be made for all children except in the following situations:

- When a child(ren) cannot be adequately protected during the referral and assessment process and must be removed in an emergency basis; or
- When all caregivers have indicated that they will not cooperate with IIS.

Notify appropriate authority, i.e., juvenile officer, law enforcement official, supervisor, etc., including identification of child as an Indian, if appropriate. All incidents of child abandonment must be reported to law enforcement.

NOTE: It is the legal responsibility of law enforcement, juvenile office or physician to determine when protective custody is necessary. CD staff should provide their professional opinion to the official in making such a determination.

Staff shall request that Form CS-33 be completed if protective custody is taken by law enforcement or Juvenile Officer and no court order has been obtained. *If the child is to be removed from a school setting by staff, staff must have a court order specifying the child is to be removed from the school premises.* Other actions to be taken by the worker include:

- Secure medical attention, if indicated.
- Notify parent(s) of decision to place the child in alternative care.
- Arrange for Alternative Care Placement.
- Record all activities of investigation and placement within 5 working days.

4.3.10 Death or Serious Injury

NOTE: The definition of serious injury that requires notification to Central Office will depend on the particular incident. Staff should evaluate through supervisory consultation the decision to make a report. Consideration should be given to the physical condition of the child, the risk to the child's life, disfigurement of the child's anatomy and/or, the extent of involvement by law enforcement and the juvenile office.

Related Subject: Section 4, Chapter 1, Recommending Placement.

In some instances, staff shall determine that death or serious injury of a child has occurred, allegedly as a result of child abuse and neglect. Staff will need to determine if other children remain in the home. Staff will also have to determine if the alleged perpetrator has been residing in the same home.

Unless able to document the safety of the remaining children in the investigation record, staff shall immediately request juvenile officer to file a petition with the juvenile court for removal of other children remaining in the home with the alleged perpetrator.

Unless able to document the safety of the children when unsupervised visits by the alleged perpetrator are allowed, staff shall request the court to issue a restraining order prohibiting unsupervised visits by the alleged perpetrator.

Staff are to notify the Deputy Director, Children's Services through supervisory channels immediately of the death or serious injury (using Form CS-23 as a guideline). Staff shall then submit a Report of Death or Serious Injury (CS-23) to

the Deputy Director, Children's Services through supervisory channels within five (5) working days of knowledge of the event.

Staff shall update the CA/N-1, including child fatality, in the CA/N system. The investigation shall be completed according to Investigation Response (4.3, Special Investigation) with the following actions taken by the worker:

- Prepare and submit form CA/N-5, Report to Probation and Parole, to the Probation and Parole Officer or other appropriate pre-sentencing investigator when an alleged perpetrator has been found guilty of a criminal charge of child abuse or neglect. A cover letter from the local office to the investigator must be attached to the report explaining its purpose.
 - a. Contact CANHU or check CA/N database, if necessary, for all prior CA/N report information.
 - b. Contact other county offices where the alleged perpetrator resided, if necessary, for purpose of obtaining additional information.
- Participate in the Child Fatality Review Panel (CFRP) Meeting as requested by the CD panel member. Share all information which is compiled during the investigation with the Children's Division member of the panel in order to assure that the panel has the most current findings.

Related Subject: Attachment N, in this chapter, Child Fatality Review Panels.

NOTE: Communicate with the CD staff representative on the CFRP to determine how the coroner/medical examiner will code the Manner of Death on the death certificate. This will ensure that the code entered for "Manner of Death" on the CA/N-1 will reflect the same finding

- Review all documentation and reports required by this procedure.

4.3.11 Baby Doe

Staff shall determine if complaint concerns medical neglect of a handicapped infant in a hospital or health care facility. It will be necessary for staff to contact reporter to assist in determining present status of child and gather further information. Request the following basic information if not already available:

- a. Name and address of infant and parent.
- b. Name and address of the hospital where child is being treated.

- c. The condition of the infant.
- d. The basis of the reporter's belief that medically indicated treatment or appropriate nutrition is being or will be withheld.
- e. The names, addresses and telephone numbers of others who might be able to provide further information.

Related Subject: Attachment O, of this chapter, Baby Doe Guidelines.

Staff shall inform Juvenile Officer of complaint and request assistance in investigation. Staff are expected to notify Director of the Children's Division through supervisory lines immediately of medical neglect report of a handicapped child. Staff shall also contact designated personnel at hospital or health care facility;

- a. Provide Form CS-30 - Medical Records Report.
- b. Gather medical information, as well as any other documenting material, which will allow for an informal decision to be made on medical care necessary to preserve life.

NOTE: Medical information should include diagnostic and medical records on the condition and treatment of the child as well as any other information which can assist in the determination as to whether appropriate medical care and nutrition are being provided.

- c. Contact Juvenile Office and/or Juvenile Court immediately for assistance if medical facility does not provide all appropriate information.
- d. Determine if it appears medical and nutritional services are being provided infant in order to sustain life while information gathered is being reviewed.

Staff shall contact and interview parent(s) of child and inform of the report and request access to necessary medical information. This information will be provided as soon as possible, through supervisory lines to the Division Director with all medical information and other documenting material.

NOTE: The Division Director will review this material in consultation with physicians from the Division of Medical Services or other independent doctors to determine if appropriate medical and nutritional services are being provided.

Staff shall determine, based on all information received, if appropriate medical and nutritional services are being provided or one of the exceptions to provision of these services is met.

NOTE: In the event of the following circumstances, the CSW or other appropriate CD personnel should inform the parent that a recommendation will be made to the Juvenile Court to secure a court order for an independent medical examination:

- When the parent(s) of the infant does not consent to review of the infant's treatment;
- When the attending physician and/or parent(s) does not agree with the recommendation of the Infant Care Review Committee and the Division;
- When the Division does not agree with the recommendation of the Infant Care Review Committee;
- When there is no Infant Care Review Committee and the parent(s) does not consent to a consultation and/or individual medical examination.

Staff shall provide written documentation to the following:

- Provide written findings to the Juvenile Officer.
- Notify and provide written findings to the Division Director.
- Notify appropriate health facility in writing of findings.

NOTE: These procedures should also be consulted if a report of medical neglect is received involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely premature, or who has a long-term disability.

4.4 Alleged Perpetrator Appeal Process

NOTE: This process is to be used when the alleged perpetrator disagrees with the Division's "**Preponderance of Evidence**" conclusion. The alleged perpetrator has sixty (60) days from receipt of the CS-21 to request a review.

Child Abuse Neglect Administrative Review

Circuit Manager or OHI Unit Supervisor shall receive request, via CS-21 or other written notification, from the alleged perpetrator for an administrative review. If a request for a review is not postmarked within 60 days (allowing three days for receipt of the CS-21 by

the alleged perpetrator), return same to the alleged perpetrator indicating time frames were not met and the request for an Administrative Review is rejected.

If court adjudication has occurred, the alleged perpetrator is notified in writing that they are not eligible for the appeal process. Court adjudication includes:

- When the victim is placed in the custody of CD as a result of the incident which had a "**Preponderance of Evidence**" finding, and the alleged perpetrator is found to have been the person who abused/neglected the child. The adjudicatory hearing must have been held for these cases to be exempt. Also included are those cases in which a child is not taken into custody, but the juvenile court, through a judicial order, upholds the finding of the Division on the incident.
- Criminal Convictions - This includes cases where the alleged perpetrator has been found guilty by due process, of charges relative to the CA/N incident.

In cases where criminal charges arising out of the facts of the investigation are pending, the appeal will not be granted until the court's final disposition or dismissal of charges. The alleged perpetrator has sixty days from the court's final disposition or dismissal of charges to request the review. If the alleged perpetrator is found guilty of child abuse/neglect, he/she is not eligible for a review.

Review the investigation record pertaining to the investigation being appealed and any other appropriate material and determine if the Division's finding was correct.

NOTE: The county level administrative review is 1) an independent review of documents by the **circuit manager** and 2) a review of the evidence in the case to assure that the conclusion reached during the investigation was the correct conclusion. The **circuit manager** is encouraged to consult with area staff as needed during the review process.

If the decision is to reverse the Division's determination, the following should be completed within ten working days:

- a. Change investigative conclusion on CA/N-1 to the appropriate finding. If unsubstantiated, delete worker's findings and severity and change category to "8"(None) in the case record and computer database;
- b. Send CS-21 to all persons who received the initial CS-21 with an explanation that the decision has been changed. If unsubstantiated, notify them that because of this change their request will not be forwarded to the CANRB.
- c. Enter summary in case record.

NOTE: If there is more than one alleged perpetrator, the conclusion may still be "**Preponderance of Evidence**" involving the other alleged perpetrator. In this situation,

the case would not be destroyed. However, notify the person who requested the review, that they are no longer an alleged perpetrator.

NOTE: If a Family-Centered Services record or Alternative Care record was opened as a result of this incident, the case record should be reviewed and any reference to a "Preponderance of Evidence" finding deleted.

Circuit Manager/OHI Unit Supervisor shall advise prosecuting attorney/circuit attorney of the decision to reverse the finding if criminal proceedings are pending/underway against the alleged perpetrator.

If the decision is to uphold the finding, send request for review within 10 days to CANRB Liaison, with copy of the investigation record and all relevant materials. The CPS-1 form must be typed.

NOTE: Court adjudicated cases (juvenile court action, and criminal convictions) are excluded from the appeal process. If any of the above occur prior to the CANRB hearing, the county office must immediately notify the CANRB Liaison. The CANRB Liaison will then notify the alleged perpetrator that they are not eligible for a CANRB hearing.

The Child Abuse/Neglect Review Board (CANRB)

Related Subject: Attachment P of this chapter, CANRB Guidelines.

The CANRB Liaison shall be responsible for the following:

- Notify county and area office of scheduled date for the CANRB hearing.
- Provide CANRB members with copies of all relevant materials and notice of the hearing at least ten working days prior to the review.
- Send written notice of the hearing to all participants (alleged perpetrator, Circuit Manager, Area Office, the victim child and his/her representative, and the CANRB) at least ten days prior to the hearing date. If the victim child lives with the alleged perpetrator, send notification to the child in care of the alleged perpetrator. If the child is in alternative care, send the notification to the child's worker. The child's worker should discuss with the child's Guardian ad Litem or CASA volunteer to determine the appropriateness of the child attending. The CSW and/or Guardian ad Litem/CASA volunteer may attend with the child.

Note: The letter from the CANRB Liaison advises the client that they must contact the liaison to advise CD of their continued desire for this hearing. If the client fails to contact the CANRB Liaison within the time frames specified in this notification letter, they will have waived their request for the hearing.

- Coordinate all other activities regarding the scheduling of the review.
- Conduct review and allow presentation as follows:

NOTE: The review may be recorded by an audio recording device or a court reporter by request of the alleged perpetrator. He/She must make arrangements for the court reporter and/or audio recording and pay all costs for this service.

- Summary and reasons for conclusion of "**Preponderance of Evidence**" (citing policy and procedure) from appropriate CD County and Area staff and/or Legal Counsel;
- Incident presentation by witnesses for CD.
 - Summary of the facts to be presented by the child or his/her representative or witness(es).
 - Summary of the reason for disagreement by the alleged perpetrator and/or Legal Counsel or a representative of the alleged perpetrator's choosing;

NOTE: The alleged perpetrator's, nor the child and his/her witness, presence is required for a review to be conducted. He/She may submit a written statement.

- Presentation by witness(es) for the alleged perpetrator.
 - CANRB may ask questions and request clarifying information from both parties.
- The CANRB Chairperson advise all parties that CANRB will review the information.

The CANRB will review and discuss all relevant materials and testimony. The CANRB shall vote individually on CANRB recommendation.

The CANRB Chairperson shall submit written decision to the CANRB Liaison within seven calendar days of the review and shall provide a written decision to all parties within thirty calendar days of the CANRB recommendation.

If the decision is to reverse the Division's determination, the following should be completed within ten working days by the county office:

- a. Change the investigative conclusion on the CA/N-1 to the appropriate finding. If unsubstantiated, delete worker's findings and severity, and change category to "8" (None) in the case record and computer database;

- b. Send CS-21 to all individuals who received an initial CS-21; and
- c. Enter summary in case record.

NOTE: If a Family-Centered Services record or Alternative Care record was opened as a result of this incident, the case record should be reviewed and any reference to a "Preponderance of Evidence" finding should be deleted.

Advise prosecuting attorney/circuit attorney of the decision to reverse the finding if criminal proceedings are pending/underway against the alleged perpetrator.

NOTE: If there is more than one alleged perpetrator, the conclusion may still be "Preponderance of Evidence" involving the other alleged perpetrator. In this situation, the case would not be destroyed. However, notify the person who requested the review, that they are no longer an alleged perpetrator.

Judicial Review

The Area Director or designee may receive notification that an alleged perpetrator has appealed the agency's decision to the circuit court (this can only occur following a CANRB review).

If the agency decision regarding a specific CA/N incident is sustained (substantiated) in writing by the circuit court, update the CA/N-1 from "Preponderance of Evidence" to "Court Adjudicated" and enter a summary in the case record one working day from receipt of the information.

If the agency decision is reversed by the circuit court, update the case record within one working day and submit to the Area Director through normal supervisory channels.

The Area Director/designee shall review the case and determine whether or not the agency should contest the finding of the court. If it is determined that the Division should contest the decision, refer the case to Deputy Director, Children's Division, who will review and, if appropriate, refer to Legal Services.

If the case is contested and the agency's decision is upheld in writing by the court of jurisdiction, the case will remain open.

If the agency's decision is reversed, the following should be completed within ten working days.

- a. Change the investigative conclusion on the CA/N-1 to the appropriate finding. If unsubstantiated, delete worker's findings and severity and change category to "8" (None) in the case record and computer database;
- b. Send CS-21 to all individuals who received an initial CS-21; and

c. Enter summary in case record.

NOTE: If a Family-Centered Services record or Alternative Care record was opened as a result of this incident, the case record should be reviewed and any reference to a "Preponderance of Evidence" finding should be deleted.

4.5 Change to Family Assessment

If, during the investigation, it is determined that the report meets the family assessment parameters, the report shall be switched. Local procedures should be followed. This may or may not involve going back through the original screener(s). The Children's Service Worker conducting the investigation or family assessment may, with the approval of his/her supervisor, and dependent on local protocol, make the decision to change without going back through the initial screener(s). If staff determine that a family assessment is more appropriate than an investigation, written notification will be provided to law enforcement prior to terminating the investigation process. The written notification will document the reason for the change, and a copy will be filed in the case record. If law enforcement indicates they do not agree with the decision to change, CD staff should discuss with them the reason for the change, and the consequences of making the change, including child safety issues around possible prosecution. Documentation should accurately reflect all communications between CD and law enforcement, including decision made and the factors that contributed to that decision. Documentation should be recorded on the CPS-1 and CPS-1A.

Related Subject: Section 2, Chapter 5.5.4. Assessment of Safety

If a report is switched from one response to another, the CPS Screening Classification Form (CS-27) is updated to reflect the change, including the reason for the change. The CPS Screening Classification Update Screen (ATRU) is updated to reflect the change, with the reason and date the decision is made. The reason for the change is entered on the Comment Screen accessed through the ATRU Screen. The Investigation/Assessment Information Inquiry (AIAI) Screen will reflect a history of the changes.

If it is decided to change the response before the first screening code is entered in the system, information regarding both shall be entered in the system for evaluation purposes.

If the investigation takes longer than 30 days to complete, due to a change in tracks, enter code "F" (Track Change) in the Delayed Conclusion field on the CA/N-1. Under such circumstances, the investigation shall be completed and the CA/N-1 updated in no more than 45 days from the date of the initial report.

If there is a delay in receiving information from law enforcement, the juvenile office or other professionals, staff must attempt to obtain the information, documenting all

attempts in the case record. In situations where the information will not be received within 30 days of the report, the supervisor and worker are to take appropriate steps to secure information necessary to complete the CD process and make a determination.

If delays are detected on an on-going basis due to involvement with law enforcement, the juvenile office or other professionals, local CD staff must meet with interdisciplinary team members within their communities to develop a protocol to meet conclusion timeframes. Additionally, **CD must maintain weekly follow-up contacts with law enforcement, the juvenile office, other professionals and/or courtesy county/state agencies to obtain respective written reports.**

If, during an investigation, new information comes to light, which constitutes another allegation of child abuse or neglect, that information may be included in the on-going investigation.

The investigator shall document his/her finding on this new allegation in the record. A new hotline report does not have to be made.

4.5.1 Unsubstantiated – Preventive Services Indicated (PSI)

Unsubstantiated – Preventive Services Indicated (PSI) is a conclusion which can be made on a Child Abuse/Neglect Investigation when there are insufficient facts to find **preponderance of evidence**. During the course of the investigation the worker does not find enough information to substantiate the allegations but does find some circumstances which require services to be provided. In these cases when substantiation is not appropriate but concerns do arise, the appropriate finding is Unsubstantiated PSI.

MEMORANDA HISTORY: CS03-46, CS03-51, CD04-69, **CD04-79**